

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
Houston Division

United States Courts
Southern District of Texas
FILED

APR 01 2019

SEAN BROWN
Petitioner

David J. Bradley, Clerk of Court

Case No. G-97-5

vs.

UNITED STATES OF AMERICA

MOTION

SENTENCE MODIFICATION UNDER 18 U.S.C. § 3582(c)(1)(A)

COMES NOW, Sean Brown, pro se under 18 U.S.C. § 3582(c)(1)(A), in which the First Step Act now provides that an inmate can bring a request to modify a term of imprisonment directly to a sentencing court based on the claim that extraordinary and compelling reason warrant such reduction.

Petitioner is requesting this Court to, in part, request that the United States Attorney for the Southern District of Texas, Eric Smith, to consent to vacating five (5) § 924(c) counts of conviction and/or that the Honorable Judge who has the authority and discretion under 18 U.S.C. § 3582(c)(1)(A) motion to find that extraordinary and compelling reason exist in this case. in the Honorable Judge's discretion without the U.S. Attorney's consent, which would in effect. remove the mandatory five § 924(c) consecutive sentences that resulted in one hundred (100) years. Congress has now recognized the injustice of stacking such § 924(c) 25-year mandatory minimum sentences for first time offenders, and it is now contrary to the present amended provisions of the statute I was sentenced under, which resulted in an additional (100) years of imprisonment in this case.

Petitioner has a total of (132) years for aiding and abetting five bank robberies; aiding & abetting five § 924(c) counts; conspiracy to commit bank robbery and § 924(o); also one count of bank robbery and § 924(c).

It is Petitioner's hope and prayer that the Honorable Judge would see that a 132 year sentence as a first time offender who only had a pending charge at that time, is very harsh and extreme and that it would warrant a reduction on the five aiding and abetting § 924(c) counts. Absent these five 924(c) counts, Petitioner would have a remaining sentence of 32 years in which petitioner would be content with the remaining sentence.

Petitioner relies only on one instructive case, as to the request that the Honorable Judge Kenneth Hoyt and U.S. Attorney agreeing to an extraordinary and compelling reason in this case, warranting vacation of the five (5) § 924(c) counts of conviction, United States v. Holloway, 68 F. Supp. 3d 310 (E.D.N.Y. 2014). In that case, Holloway was convicted for three separate "car jackings" over a two-day period. He received a mandatory sentence of 57 years, but was able to have the U.S. Attorney agree to vacate two of his prior § 924(c) counts and allow for resentencing. In that decision the Honorable Judge Gleeson praised the U.S. Attorney for the Eastern District of New York for agreeing to vacate the § 924(c) convictions in the Holloway case. Judge Gleeson also noted that prosecutors can and should use their vast power to remedy injustices in an appropriate case.

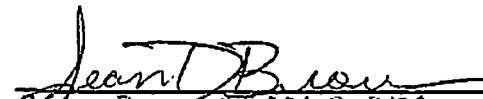
Petitioner also presents three (3) Attachments for this Court's consideration for this motion:

Attachment A: Letter of Apology

Attachment B: Letters of Recommendation by Bureau Staff
Attachment C: Programs and Disciplinary Report History


WHEREFORE. Petitioner prays that this Honorable Court would have mercy on me. and that The Honorable Judge Kenneth Hoyt would find this request to be extraordinary and compelling reasons to GRANT such motion for relief for the reasons stated herein.

Respectfully submitted this 27th day of March,
2019.


Sean Brown #62260-079
Federal Register No.
Federal Correctional Institution
P.O. Box 4200
Three Rivers, TX. 78071

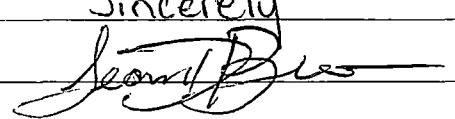
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Motion for Reduction in Sentence was served upon the Clerk of Court for the United States District Court for the Southern District of Texas on this 27th day of March, 2019, from FCI Three Rivers, Texas.


Sean Brown
Federal Register No. 62260-079
Unit Live Oak B
Federal Correctional Institution
P.O. Box 4200
Three Rivers, Texas, 78071

I Apologize

I Sean Brown apologize and ask for forgiveness from the Honorable Judge Kenneth Hoyt Society and Community please forgive me of all my wrong doings. I would like the Courts to know that time and God has humbled me, it has made me to know how to conduct myself in life, and that life is not to be taken for granted. With all respect and Sincereness from my heart please forgive me.

Sincerely


Sean Brown

P.S. Please note your Honor that my mistakes in life has cost me dearly and I am to blame. All my co-defendants are at home and been there for years, I to your Honor seek a second chance at life again in the free world. I ask that you would have mercy and that your discretion will be in my favor. Please Your Honor help me through this ~~storm~~^{storm} that I have caused. I want you to know that some of us change and deserve a second chance. I pray to God the same God that formed this world that the Honorable Judge would show mercy and compassion towards me.

Thank You Your Honor
by Sean Brown




**U.S. Department of Justice
Federal Bureau of Prisons**

*Three Rivers, Texas
P.O. Box 4000
Three Rivers, Texas 78071*

December 15, 2015

MEMORANDUM FOR CENTRAL FILE

FROM: A. Cervantes, CSW 
SUBJECT: BROWN, Sean Dequinco
Reg. No.: 62260-079

Inmate Brown has been instrumental in using his communication skills at solving problems amongst other inmates at this facility. His ability and willingness to help resolve inmate issues has contributed to a more cooperative and safer environment between inmates. Inmate Brown maintains a good rapport with staff and other inmates. According to other documentation in his Central File, inmate Brown was viewed as someone who engaged in "positive problem solving" activities and was seen as having a good influence among his inmate peers at USP Victorville, California.

Federal Correctional Institution
Three Rivers, Texas
Live Oak B Unit Team

Secretary: V. Zuniga

March 27, 2019

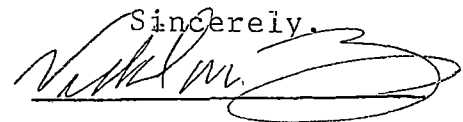
RE: Sean Brown

Dear Honorable Judge Kenneth Hoyt, I write this letter to you in humbleness and great respect on behalf of Mr. Brown. Honorable Judge I have observed inmate Brown and I have to admit he has been a model inmate. His record for the last twenty-something years is near perfect. He has proven reliable, trustworthy. and to be a changed man.

I write to the Honorable Judge Kenneth Hoyt as a character witness who has observed Mr. Brown. in sincere hopes that Mr. Brown may receive a reduction in his extremely lengthy prison term, so that he may have a second chance at life again. I do have great confidence that Mr. Brown would not let you or I down, nor the community as a whole, if given a modified sentence.

I am asking that the Honorable Judge Kenneth Hoyt and the prosecuting attorney to come to an agreement of a sentence reduction in this case, and allow for Mr. Brown to have a chance at life and freedom once again.

In the event that there are any more questions concerning Mr. Brown, please feel free to contact me at: 361-786 3576 x 1375

Sincerely,

V. Zuniga
Secretary
Live Oak Unit

Federal Correctional Institution
Three Rivers. Texas
Live Oak B Unit Team

Counselor: W. James

March 27. 2019

RE: Sean Brown

To the Honorable Judge Kenneth Hoyt, I would like to say a few words on behalf of Mr. Brown. As Mr. Brown's Correctional Counselor here at the prison for many years, I have seen over these years a remarkable, responsible, dedicated and hard working individual. Mr. Brown has shown time again, that he deserves another chance at life in the free world.

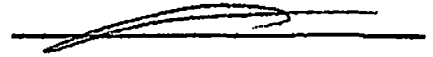
I thought that it would be a good thing to express this to you at this time, since Mr. Brown is motioning the Court for a modified sentence. It is not something that I would do often for an inmate, but I believe Mr. Brown's case to be one of those that deserves support and a reduction in the sentence he is currently serving.

Your Honor. I am asking that you would allow Mr. Brown a sentence reduction that would allow him a second chance at life on the outside, where I am confident that he would be able to contribute to society in a positive way.

Your Honor, I would please ask that you would consider this as a recommendation on Mr. Brown's behalf, and I thank you for your attention in this matter.

If there should be any further questions concerning Mr. Brown, please feel free to contact me at: (361) 786-3576

Sincerely,

A handwritten signature, likely "W. James", is written over a horizontal line.

W. James
Counselor
Live Oak Unit

Federal Correctional Institution
Three Rivers, Texas
Live Oak B Unit Team

Case Manager: G. Patterson

RE: Sean Brown

To the Honorable Judge Kenneth Hoyt, my reason for writing and expressing my view of Mr. Brown is in hope that it would help in granting Mr. Brown relief from five 924(c) counts for a reduction in his sentence. Mr. Brown has done exceptionally well during his time of incarceration. He has received a Certificate of Certification from Coastal Bend College in Heating & Air Conditioning (HVAC). He is also certified as a personal trainer in physical fitness and has worked with a many of inmates. Mr. Brown has also programmed in many other areas.

Mr. Brown is a positive influence toward the prison population. Mr. Brown has conducted and carried himself well in prison. I am asking that the Honorable Judge Kenneth Hoyt and the prosecuting attorney would agree to giving Mr. Brown a second chance at life again.

I want to thank you your honor for your time in this matter. In the event that you have any questions or concerns, please feel free to contact me at FCI Three Rivers at 361-786-3576 ext 1378

Sincerely,



G. Patterson
Case Manager

Certificate of Completion

This is to certify that

Sean D Brown

has been certified as a

Technician TYPE UNIVERSAL

as required by 40 CFR 82 Subpart F.

Coastal Bend College

Certified by
VGI Training
EPA Approved
September 30, 1993

2354566

Certificate Number

7/28/2016

Date

President VGI Training Div

△ △ △ △ △ DETACH CERTIFICATE HERE △ △ △ △ △

Type(s) Sought:

Certificate of Completion

This is to certify that

Sean D Brown

has been certified as a

Technician TYPE UNIVERSAL

as required by 40 CFR 82 Subpart F.

Certified by
VGI Training
EPA Approved
September 30, 1993

2354566

Certificate Number

7/28/2016

Date

President VGI Training Div

Test Results

	Score	Grade to pass	Passed
Core	<u>22</u>	<u>18</u>	<u>Y</u>
Type I	<u>25</u>	<u>18</u>	<u>Y</u>
Type II	<u>25</u>	<u>18</u>	<u>Y</u>
Type III	<u>24</u>	<u>18</u>	<u>Y</u>
Universal	Requires passing scores (Y) in all Types.		<u>Y</u>

Sean D Brown
PO Box 4200 62260-079
Three Rivers TX 78071

To receive a "I help protect the Ozone Layer!" bumpersticker, please send a self-addressed stamped envelope to:

VGI Training/Bumpersticker
1156 107th St.
Arlington TX 76011

Congratulations

We have processed your test and your scores, certificate, and wallet card are attached.

Refrigerant containment is a technique of the professional.

Please keep that professionalism in mind as you go about your daily work.

National Federation of Professional Trainers

This certifies that on April 7th, 2017

Sean Brown

has successfully met the requirements of a

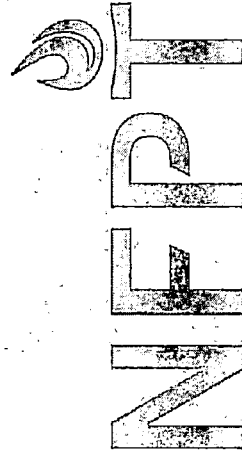
Certified Personal Trainer, CPT

59037

Certification Number

April 1st, 2019

Expiration Date



CERTIFIED



Accredited

Angela Pattengale
Angela Pattengale
Director of Certification

Ron Clark

Ron Clark
Chief Executive Officer, CEO

*Adult Continuing Education
Certificate of Completion*

awarded to:

Sean Brown

62260-079

Successfully completed
Introduction to Oil Field

P. Pugh

P. Pugh/ ACE Coordinator

June 24, 2014

Date



Certificate of Completion

awarded to

Sean Brown

For completion of the Fitness Trainer Pre-Certification Program

On this 23rd day of December, 2016


A. Fernandez, Recreation Specialist

TRVHT * INMATE EDUCATION DATA * 03-27-2019
 PAGE 001 OF 001 * TRANSCRIPT * 08:00:40

REGISTER NO: 62260-079 NAME.: BROWN FUNC: PRT
 FORMAT.....: TRANSCRIPT RSP OF: TRV-THREE RIVERS FCI

----- EDUCATION INFORMATION -----
 FACL ASSIGNMENT DESCRIPTION START DATE/TIME STOP DATE/TIME
 TRV ESL HAS ENGLISH PROFICIENT 04-22-1999 0800 CURRENT
 TRV GED HAS COMPLETED GED OR HS DIPLOMA 04-22-1999 0800 CURRENT

----- EDUCATION COURSES -----

SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
TRV	ELEC. LAW LIBRARY TRAINING	07-30-2018	09-22-2018	P	C	P	16
TRV	FITNESS TRAINER CLASS	10-21-2016	12-23-2016	P	C	P	20
TRV	BASIC ELECTRICAL WORKS	04-05-2016	06-07-2016	P	C	P	20
TRV	HVAC DEMONSTRATION CLASS	04-07-2016	06-07-2016	P	C	P	20
TRV	BASIC OILFIELD	04-14-2014	06-28-2014	P	C	P	20
VIP	RPP USP MONEY SMART PGM (C3)	04-07-2010	06-30-2010	C	C	P	10
VIP	ENTREPRENEURS SKILLS	10-05-2009	11-30-2009	P	C	P	10
VIP	MANAGING CHANGE	06-01-2009	07-31-2009	P	C	P	10
VIP	BEGINNER BEADING COURSE	06-10-2009	07-15-2009	P	C	P	12
VIP	BEGINNER CROCHET COURSE	11-05-2008	12-10-2008	P	C	P	12
VIP	RPP USP CMC RPP OVERVIEW (C5)	03-28-2008	03-28-2008	P	C	P	1
BMP	BEGINNING FITNESS CLASS	04-08-2007	07-15-2007	P	C	P	30
BMP	HEALTHY LIFESTYLE PHASE I	04-08-2007	07-15-2007	P	C	P	30
BMP	ADV TYPING, M-F, 7:30-8:30 P.M.	06-22-2004	07-20-2004	P	C	P	20
BMP	BEG.TYPING, M-F, 6:30-7:30 PM	05-19-2004	06-22-2004	P	C	P	20

G0000 TRANSACTION SUCCESSFULLY COMPLETED

TRVHT * INMATE DISCIPLINE DATA * 03-27-2019
PAGE 001 OF 001 * CHRONOLOGICAL DISCIPLINARY RECORD * 08:01:16

REGISTER NO: 62260-079 NAME...: BROWN, SEAN DEQUINCE
FUNCTION...: PRT FORMAT: CHRONO LIMIT TO ___ MOS PRIOR TO 03-27-2019

REPORT NUMBER/STATUS.: 2225100 - SANCTIONED INCIDENT DATE/TIME: 10-24-2011 0930
UDC HEARING DATE/TIME: ~~10-25-2011~~ 1222
FACI/UDC/CHAIRPERSON.: TRV/LIVE OAK/C. SMITH
REPORT REMARKS.....: INMATE INFORMED OF RIGHTS. INMATE ADDITTED GUILT.
INAMTE FOUND TO HAVE COMMITTED ACT.
310 BEING ABSENT FROM ASSIGNMENT - FREQ: 1
LP VISIT / 15 DAYS / CS
COMP: LAW: LP VISITING FOR 15 DAYS TO RUN FROM 10-25-2011
UNTIL 11-09-2011.

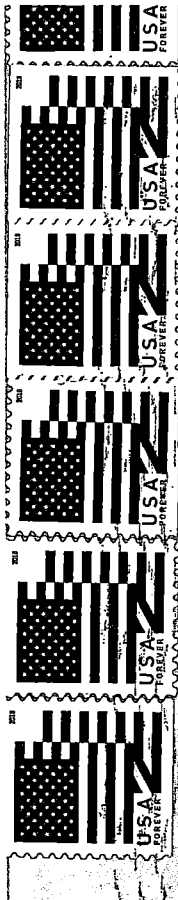
REPORT NUMBER/STATUS.: 2214613 - SANCTIONED INCIDENT DATE/TIME: 09-26-2011 0645
UDC HEARING DATE/TIME: ~~09-27-2011~~ 1416
FACI/UDC/CHAIRPERSON.: TRV/LIVE OAK/B. HADWIN
REPORT REMARKS.....: INMATE STATES THAT THE REPORT IS UNTRUE IN PART.
307 REFUSING TO OBEY AN ORDER - FREQ: 1
LP COMM / 15 DAYS / CS
COMP: LAW: 15 DYS NO COMM, SUSPENDED FOR 30 DYS. TO END
10-27-11.

REPORT NUMBER/STATUS.: 1829619 - SANCTIONED INCIDENT DATE/TIME: 02-03-2009 1240
UDC HEARING DATE/TIME: ~~02-05-2009~~ 1005
FACI/UDC/CHAIRPERSON.: VIP/5 B/CAMPOS
REPORT REMARKS.....: GREATER WEIGHT GIVEN TO WRITTEN REPORT
310 BEING ABSENT FROM ASSIGNMENT - FREQ: 1
LP COMM / 15 DAYS / CS / SUSPENDED 90 DAYS
COMP: LAW: LP COMM 15 DAYS SUSPENDED PENDING 90 DAYS CLEAR
CONDUCT

REPORT NUMBER/STATUS.: 726188 - SANCTIONED INCIDENT DATE/TIME: 10-28-1999 1150
DHO HEARING DATE/TIME: ~~12-07-1999~~ 1426
FACI/CHAIRPERSON.....: BMP/WESTON L
REPORT REMARKS.....: INMATE ADMITTED CHARGE
222 POSSESSING INTOXICANTS - FREQ: 1
DIS GCT / 27 DAYS / CS
COMP:010 LAW:P DISALLOW 27 DAYS GOOD CONDUCT TIME

G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

2000 12111111 62260-079
Juno DAK B unit
Federal Correctional Institution
PO BOX 4200
Three Rivers, TX 78071



USA FOREVER
FRI 29 MAR 2013 PM

United States Court
Southern District of Texas
FILED
APR 01 2013
David J. Bradley, Clerk of Court

↔62260-079↔

Us District Courthouse
515 RUSK ST
Houston, TX 77002
United States